UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/587,959	06/06/2000	Ari Ikonen	NOD-001.01	9612

25181 7590 08/10/2007

FOLEY HOAG, LLP
PATENT GROUP, WORLD TRADE CENTER WEST
155 SEAPORT BLVD
BOSTON, MA 02110

EXAMINER	
SHELEHEDA, JAMES R	

ART UNIT	PAPER NUMBER
2623	

MAIL DATE	DELIVERY MODE
08/10/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Application Number: 09/587,959
Filing Date: June 06, 2000
Appellant(s): IKONEN ET AL.

Scott E. Kamholz
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 04/19/07 appealing from the Office action mailed 11/20/06.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

6,202,060	Tran	03-2001
EP 0804030 A2	Heinonen et al.	10-1997

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claims 34-37 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Heinonen in view of Tran.

As to claim 34, Heinonen discloses a method of transferring image data from a mobile phone to a television (Fig. 1; column 3, lines 1-16 and column 6, lines 16-20), comprising:

generating a signal in the mobile phone from the image and sound data received by the mobile phone (transmitting received forms and sound data to the accessory, 30 for display on the television; column 3, lines 26-33, column 6, lines 12-27 and column 4, lines 48-55);

receiving the output signal from the mobile phone as an input signal at a module (accessory, 30; Fig. 1; column 3, lines 26-33, column 6, lines 12-27 and column 4, lines 48-55);

converting the output signal from the mobile phone as an input signal at a module (convert to a tv display format; column 3, lines 26-33 and column 4, lines 48-55);

connecting the image-sound signals from the module to the television (column 3, lines 26-33 and 42-49 and column 6, lines 16-27), wherein the module is a mobile telephone accessory located at the television (Fig. 1; column 3, line 42-column 4, line 20).

While Heinonen discloses transmitting the signal as an output signal from the mobile phone, he fails to specifically disclose transmitting the signal in a format that conforms to a Bluetooth-protocol.

In an analogous art, Tran discloses a home system (Fig. 3) wherein display signals are *wirelessly* transmitted from a mobile device (10; column 16, line 50-column 17, line 25) to a coupling device (television receiver equipment; Fig. 3; 60, 61, 62, 63 and 64; column 14, line 41-column 15, line 20 and column 16, line 50-column 17, line 25) positioned between the mobile device and a television (Fig. 3, 52; column 14, line 41-column 15, line 20 and column 16, line 50-column 17, line 25) through a short range radio transmitter and receiver (column 3, lines 26-31 and column 14, lines 41-56) so as to extend the user interface of the mobile phone to the television (column 14, line 41-column 15, line 20 and column 16, line 50-column 17, line 25) for the typical benefit of enlarging the display and allowing the user with greater ease in reading the displayed information (column 14, lines 41-56) and greater mobility by providing the display from anywhere within range of the television display (column 3, lines 26-38).

Additionally, the examiner takes Official Notice that it was notoriously well known in the art at the time of invention by applicant to a format that conforms to a Bluetooth protocol, to implement a wireless connection system between a mobile device and other local devices, as the Bluetooth protocol is a specifically designed universal radio interface in the 2.45 GHz frequency band that enables portable electronic devices to connect and communicate wirelessly via short-range, ad hoc networks, and is generally targeted towards the elimination of wires, cables, and connectors between such devices and systems as cordless or mobile phones, modems, headsets, PDAs, computers, printers, projectors, and local area networks, for the typical benefits of conforming with a widely known protocol for establishing wireless local connections and eliminating the need for physical connections.

It would have been obvious to one of ordinary skill in the art at the time of invention by applicant to modify Heinonen's system to include transmitting the signal in a wireless format, as taught by Tran, for the typical benefit of providing the user with greater mobility and flexibility by providing use of the system from anywhere within range of the television display

Additionally, it would have been obvious to one of ordinary skill in the art at the time of invention by applicant to modify Heinonen and Tran's system to include a format that conforms to a Bluetooth-protocol for the typical benefits of conforming with a widely known protocol for establishing wireless local connections and eliminating the need for physical connections.

As to claim 35, Heinonen and Tran disclose wherein connecting further comprises transmitting the image-sound signals to the television using a SCART-connection to the television (see Heinonen at Fig. 1; column 3, lines 17-25).

As to claim 36, Heinonen and Tran disclose wherein the image-sound signals are a RGB+sound signal (see Tran at column 16, line 65-column 17, line 7).

As to claim 37, Heinonen and Tran disclose wherein the television is an analog television (see Heinonen at column 2, lines 48-58 and Tran at column 16, line 65-column 17, line 7).

(10) Response to Argument

In response to appellant's arguments on pages 5-6, regarding the desirability of the combination,

Heinonen discloses an accessory, 7, which will receive data from a mobile phone (column 3, lines 16-41), convert the data to a format for a television (column 3, lines 26-33) and output the data to a television display (Fig. 1; column 3, lines 16-41). Heinonen merely fails to specifically disclose wherein the output from the mobile phone is transmitted in a format that conforms to a Bluetooth protocol.

Tran discloses a portable cellular device (10) for providing signals for display on a television (column 14, lines 41-56) through a wireless connection to an interface device (Fig. 3; column 16, line 50-column 17, line 25). This would allow the user to

continue carrying their portable cellular device (such as a mobile phone) and not remove the main benefit which is provided by portable devices, i.e. portability and mobility. As seen in the art by the evolution of telephones from wired only devices to cordless and cellular phones, mobility is known as a widely desired and useful feature. Furthermore, as shown by Tran, the specific use of a wireless connection between a mobile cellular device and a television interface is known in the art. Thus, one of ordinary skill in the art at the time of invention would recognize both the feasibility of continuing to utilize the mobile phone in a wireless capacity and the typically known and widely appreciated benefits provided therein.

In response to appellant's argument on page 7, regarding the advantages provided by a wireless link between a mobile phone and a television, the fact that appellant has recognized another advantage which would flow naturally from following the suggestion of the prior art cannot be the basis for patentability when the differences would otherwise be obvious. See *Ex parte Obiaya*, 227 USPQ 58, 60 (Bd. Pat. App. & Inter. 1985).

Further, it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971).

In this case, as seen by Tran and in the general knowledge of the art at the time, the usefulness of wireless connections was widely known both in the art regarding mobile phones and in the particular instance of connecting with a television interface.

In response to appellant's arguments on pages 6-7, regarding the stated goal of Heinonens' system, it is noted that goal of Heinonen's system was to utilize *combinations of known devices* to provide bi-directional communications (column 1, lines 1-34). This was to provide new services to user's without being required to acquire new devices (column 1, lines 30-35). The use of a telephone charger as the interface was an outgrowth of this desire, to combine the typical phone charger with new abilities and services, i.e. communication with a television.

In this case, Tran discloses the known use of a wireless connection to provide communications with a television interface.

On page 7, appellant argues that the addition of wireless transmission with Heinonen's system would offer not advantages, as the mobile phone is required to be physically connected to obtain power.

In response, it is noted that interface described by Heinonen is a telephone ***charger*** for ***charging*** a phone battery (see column 4, lines 40-48). The most basic functionality of a mobile phone charger is to charge the phone battery so that it may then be *disconnected for use in a typical mobile fashion.* Any argument that a phone would be required to remain plugged into a phone *charger* to communicate data is

simply incorrect. Mobile phones are carried and used for communication in a wireless manner. When the phone is low in power, the phone would then in plugged into a charger to ***charge the battery***. The phone would not be required to remain tethered to the connector in order ***to obtain power***, as suggested by appellant, unless the phone's battery was completely depleted. The very presence of the battery within the phone is to allow for the phone to be disconnected from the charger and then used for wireless communications.

Thus, as indicated previously, the addition of a wireless Bluetooth connection would allow the mobile phone user to continue carrying and using their mobile phone in a mobile manner. Further, as demonstrated by Tran, the use of a wireless connection was known in the specific situation of connecting a mobile cellular device to a television. There would be no specific need to plug the phone into the charger until the phone battery was low and required recharging.

In response to appellant's arguments on page 8, it is noted that the goal of Heinonen's system to provide bi-directional communications without the need to acquire new devices (column 1, lines 1-36). Thus, Heinonen's solution was based on the combination of known devices, in this case a mobile phone charger with additional circuitry to allow communication with the television. Tran shows that utilizing a wireless connection with the television interface device was known at the time of invention by appellant.

The fact that Heinonen failed to specifically disclose the use of a wireless connection does not constitute any sort of teaching or implication that such could not be used. Adding a wireless connection to Heinonen's system would not interfere with the desired functionality whatsoever, and would provide the additional benefit recognized in the art of mobility. This is evidenced by Tran's use of a wireless connection with the television interface. One of ordinary skill in the art would clearly recognize both the feasibility and desirability of a wireless connection. Therefore, appellant's arguments are not convincing.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

James Sheleheda
Patent Examiner
Art Unit 2623

Conferees:

Scott Beliveau

SCOTT E. BELIVEAU
PRIMARY PATENT EXAMINER
Acting SPE 2623

Andrew Koenig

ANDREW Y. KOENIG
PRIMARY PATENT EXAMINER
Acting SPE